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## **FACSIMILE COVER SHEET**

**DATE:** August 14, 2006  
**FILE NO:** ROC920000066US1 (IBM2K0066)  
**TO:** MAIL STOP APPEAL BRIEF -PATENTS  
Examiner Ba Huynh  
**FAX NO:** 1-571-273-8300  
**FROM:** Gero G. McClellan  
**PAGE(S) with cover:** 23

**RE:**

**TITLE:** Method and Apparatus for Dynamic Web Page Arrangement  
**U.S. SERIAL NO.:** 09/574,157  
**FILING DATE:** May 18, 2000  
**INVENTOR(S):** Bates et al.  
**EXAMINER:** Ba Huynh  
**GROUP ART UNIT:** 2179  
**CONFIRMATION NO.:** 6988

Attached are the following document(s) for the above-referenced application:

**APPEAL BRIEF**

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PATENT  
Atty. Dkt. No. ROC920000066US1  
PS Ref. No.: IBM2K0066**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**In re Application of:  
Bates et al.

Serial No.: 09/574,157

Filed: May 18, 2000

For: Method and Apparatus for  
Dynamic Web Page  
Arrangement§  
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Confirmation No.: 6988

Group Art Unit: 2179

Examiner: Ba Huynh

MAIL STOP APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING OR TRANSMISSION**

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August 14, 2006

Date

Joseph Jong

Dear Sir:

**APPEAL BRIEF**

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2179 dated April 13, 2006, finally rejecting claims 5-9, 11 and 21-31. The final rejection of claims 5-9, 11 and 21-31 is appealed. This Appeal Brief is believed to be timely since it is facsimile transmitted by the due date of August 14, 2006, as set by mailing of a Notice of Appeal on June 13, 2006. Please charge the fee of \$500.00 for filing this brief to Deposit Account No. 09-0465/ROC920000066US1.

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### **Real Party in Interest**

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

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### **Related Appeals and Interferences**

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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### **Status of Claims**

Claims 5-9, 11 and 21-31 are pending in the application. Claims 1-31 were originally presented in the application. Claims 1-4, 10 and 12-20 have been canceled without prejudice. Claims 5-9, 11 and 21-31 stand finally rejected as discussed below. The final rejections of claims 5-9, 11 and 21-31 are appealed. The pending claims are shown in the attached Claims Appendix.

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### **Status of Amendments**

All claim amendments have been entered by the Examiner. No amendments to the claims were proposed after the final rejection.

### Summary of Claimed Subject Matter

Claimed embodiments of the invention provide for methods (e.g., claim 5, 11, and 21) and a client computer (e.g., claim 26) which render web pages to a computer display according to prior user activity on the respective page.

One embodiment provides a method for rendering Web pages to be displayed on a networked client display device on the basis of prior user interaction with the Web pages. The method includes receiving a user request to view a plurality of Web pages having different network addresses page and in response to the user request, retrieving, through a network connection, the Web pages according to a respective network address. (Page 7, lines 26-30; Figure 2a.) The method further includes determining if an entry associated with a given Web page exists in a data structure residing on the networked client display device, the entry including at least a user interaction field. (Page 12, lines 26-33.) If the entry exists, a determination is made as to whether the user interaction field appears on the Web page and, if so, the page is rendered in a manner that repositions the user interaction field from an unviewable area to a viewable area. (Page 13, lines 3-30.) The method further provides that the rendering step includes automatically scrolling the Web page to a location within the Web page where the user can scroll the Web page upwards to bring the portion of the page previously positioned outside the viewable area into the viewable area. (Page 13, lines 3-30; cf. Page 15, lines 26-34 and Figures 6a-c which implicitly suggest the user scrolls up in the embodiment where automatic scrolling is performed.) In this way a user of the networked client display device is not burdened with having to reposition the page to bring the user interaction field into the viewable area. (Page 13, lines 3-30.)

Another embodiment provides a method for rendering Web pages to be displayed on a display screen of a networked client display device on the basis of prior user interaction with the Web pages. The method includes receiving a user request to view each of a plurality of Web pages, each Web page having a different network address. (Page 7, lines 26-30; Figure 2a.) In response to the user request, the Web page is retrieved according to a respective network address located on a server computer. (*Id.*) The method further includes determining if a first entry associated with

the Web page exists in a data structure residing on the networked client device, the first entry including a first user interaction field and a first count. (Page 12, lines 26-33; page 14, line 11-page 15, line 2; Figures 5a-b.) If the first entry exists in the data structure, the method determines if the first user interaction field appears on the Web page and if so, moves the first user interaction field from a first obscured location on the Web page incapable of being viewed on the display screen to a viewable location on the Web page that is displayed on the display screen. (Page 13, lines 3-30.) The method further includes determining whether the data structure includes a second entry associated with the electronic document, the second entry including a second user interaction field and a second count and, if so, whether the second user interaction field appears on the Web page. (Page 12, lines 26-33; page 14, line 11-page 15, line 2; Figures 5a-b.) If the second user interaction field appears on the Web page, the second user interaction field is moved from a second obscured location on the Web page to a viewable location on the Web page that is displayed on the display screen, wherein the second user interaction field is displayed above the first user interaction field if the second count is greater than the first count, wherein moving the first and second user interaction fields is done by repositioning the Web page relative to the display screen, and wherein moving the first and second user interaction fields requires positioning a portion of the page outside a viewable area of the display screen due to a limited screen area of the display screen and wherein a user can scroll the Web page upwards to bring the portion of the page from a position outside the viewable area into a position inside the viewable area. (Page 13, lines 3-30; page 14, line 11-page 15, line 2; Figures 5a-b.)

Another embodiment provides a computer-implemented method for rendering Web pages to a display of a client network device on the basis of prior user interaction with the Web page, wherein the Web pages have a displayable size exceeding a viewable area of the display. The method includes receiving a user request to view each of a plurality of Web page, each having a different network address located on a server computer. (Page 7, lines 26-30; Figure 2a.) Accessing user interaction data associated with the electronic address, the user interaction data residing on the client network device and describing prior user interaction with one or more page elements of the Web page. (Page 12, lines 26-33; page 14, line 11-page 15, line 2; Figures 5a-b.)

The method further includes receiving the Web page at the client network device and rendering the Web page to the display; wherein rendering comprises positioning the Web page so that at least one of the one or more page elements is moved from an unviewable position to a viewable position on the display and a top portion of the Web page is moved to an unviewable position; and wherein, after the rendering, the Web page is positioned such that a user can scroll the Web page upwards to bring the top portion into the viewable position on the display. (Page 13, lines 3-30; page 14, line 11-page 15, line 2; Figures 5a-b.)

Another embodiment provides a client computer for use in a networked system. The computer includes a display having a viewable area and browsing and rendering software. (Figure 1.) The software is configured to at least receive prompts to access pages having network addresses located on server computers of the networked system, the pages each having a displayable size exceeding the viewable area of the display. (Figure 1; page 9, lines 10-20; page 15, lines 13-25.) When prompted to access a given page at a specified network address, the software accesses user interaction data located on the client computer and ~~associated with the specified network address~~, the user interaction data describing previous user interaction with an element of the given page via the browser. (Figure 1; page 12, lines 26-33; page 14, line 11-page 15, line 2; Figures 5a-b.) The software is further configured to render the electronic document to the display by positioning the Web page according to the user interaction data so that the element is moved from an unviewable position into the viewable area of the display; and wherein, after the electronic document is rendered, the user can scroll the electronic document upwards to bring a top portion of the electronic document from an unviewable position into a viewable position on the display. (Page 13, lines 3-30; page 14, line 11-page 15, line 2; Figures 5a-b.) A scroll bar of the browser allows a user to reposition the portion of the page from the unviewable position into the viewable area of the display. (Page 15, lines 13-33.)

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**Grounds of Rejection to be Reviewed on Appeal**

1. Claims 5-9, 11 and 21-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,799,292 by *Hekmatpour*.

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PS Ref. No.: IBM2K0066

## **ARGUMENTS**

### **Obviousness of Claims 5-9, 11 and 21-31 over *Hekmatpour*.**

#### ***The Applicable Law***

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first and third criteria.

#### ***The Reference***

*Hekmatpour* is directed to the presentation of hypermedia objects. (Abstract.) In *Hekmatpour* an adaptation parameter is tracked and the presentation of the hypermedia objects to a user is adjusted according to the adaptation parameter. (Abstract, Column: 2, Lines: 22-27). The adaptation parameter in *Hekmatpour* can be either a frequency of use of a particular hypermedia object, or can be a user impairment (e.g., a hearing impairment). (Column: 2, Lines: 38-40; Column: 2, Lines: 48-51).

The frequency of use parameter in *Hekmatpour* is calculated either by direct user selection of the hypermedia object or by indirect user selection of hypermedia objects. (Column 2, Lines: 38-41). In response to the frequency of use parameter, *Hekmatpour* dynamically organizes the display of hypermedia information such that extraneous mouse clicks and scrolling are reduced. (Column 2, Lines 65-Column: 3 Line 1).

#### ***Applicants' Analysis***

As an initial matter, Applicants note that the present rejections appear to be defective, *per se*. In particular, the rejections are premised on 35 U.S.C. §103 and a suggested combination (e.g., see, Final Office Action mailed April 13, 2006, page 1

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arguing "In light of the combining..."); however, no combination is provided. Accordingly, Applicants submit that the rejection is improper and should be withdrawn, and that the claims should be allowed.

The Examiner argues thusly: "Note that a web page is a lengthy document that is [sic] only a portion of the page is visible in the browser window, thus the rendering is caused by automatically scrolling the portion onto the display screen." (Final Office Action mailed April 13, 2006, page 3.) The Examiner further argues that "automatically repositioning the user interaction field on the display is automatically scrolling the page to the portion containing the interaction field". (Final Office Action mailed April 13, 2006, page 7.) In other words, the Examiner equates the rearrangement of a web page (which is what is being done in *Hekmatpour*) with scrolling.

Respectfully, the Examiner errs in his interpretation of scrolling. It is well established that the meaning of scrolling is "the act of sliding a horizontal or vertical presentation of content, such as text, drawings, or images, across a screen or display window." (See "<http://en.wikipedia.org/wiki/Scrolling>".) The common meaning of scrolling does not include "re-positioning" an element or "page" of a document with respect to other elements or "pages" within the document.

Furthermore, the Examiner's interpretation of the term scrolling is contrary to the meaning of the term used in *Hekmatpour* itself. Multiple locations within *Hekmatpour* refer to scrolling as navigation through elements within a document rather than repositioning elements with respect to other elements within the document. (See, e.g., Column: 7, Lines: 31-33, Column: 10, Lines: 13-16, Column: 10, Lines: 30-31). Thus, *Hekmatpour* itself is contrary to the Examiner's interpretation.

Further, scrolling is recited in the present claims as an aspect of *rendering* a document or web page, which is a programmatic function. Scrolling in *Hekmatpour* is defined as a user function. (*Id.*)

Further, *Hekmatpour* does not disclose the limitation of "where the user can scroll the Web page upwards to bring the portion of the page previously positioned outside the viewable area into the viewable area". (See, claims 5, 11, 21 and 26.) In *Hekmatpour* when objects are rendered they are moved to the top of the subject window. (Column: 8, Lines: 49-51.) In *Hekmatpour*, if all of the relevant objects are at the top of the

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window, it is not possible in *Hekmatpour* to scroll upwards after the page has been rendered. Conversely, the amended claims add the additional limitation of allowing the user to at least scroll upwards. This functionality is not allowed in *Hekmatpour* as it is precisely the intention of *Hekmatpour* to eliminate scrolling altogether. (Column: 7, Lines: 30-32) Therefore, *Hekmatpour* does not disclose an essential element recited in the claims.

The dependent claims are believed to be allowable by virtue of their dependence from a respective allowable independent claim. Accordingly, separate arguments with respect to the dependent claims are not necessary.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

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### CONCLUSION

The Examiner errs in finding that claims 5-9, 11 and 21-31 are unpatentable over U.S. Patent No. 5,799,292 by *Hekmatpour* under 35 U.S.C. § 103(a). Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

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**CLAIMS APPENDIX**

1-4. (Canceled)

5. (Previously Presented) A method for rendering Web pages to be displayed on a networked client display device on the basis of prior user interaction with the Web pages, the method comprising:

for each of a plurality of Web pages having different network addresses:

receiving a user request to view the Web page;

in response to the user request, retrieving, through a network connection, the Web page according to a respective network address;

determining if an entry associated with the Web page exists in a data structure residing on the networked client display device, the entry including at least a user interaction field;

if the entry exists, determining if the user interaction field appears on the Web page; and

if the user interaction field appears on the Web page, rendering the page in a manner that repositions the user interaction field from an unviewable area of the networked client display device to a viewable area of the networked display device and positioning a portion of the page outside the viewable area of the networked display device, thereby eliminating a user of the networked client display device from having to reposition the page to bring the user interaction field into the viewable area; wherein the rendering step includes automatically scrolling the Web page to a location within the Web page where the user can scroll the Web page upwards to bring the portion of the page previously positioned outside the viewable area into the viewable area.

6. (Previously Presented) The method of claim 5, wherein the rendering step comprises:

removing the user interaction field from a current location on the Web page; and,

moving the user interaction field to a top portion of the Web page located in the viewable area.

7. (Previously Presented) The method of claim 5 further comprising, after the rendering step:
- getting a second entry from the data structure, the second entry including a second user interaction field;
  - determining if the second user interaction field exists on the electronic document;
  - if the second user interaction field appears on the electronic document, moving the second user interaction field from a second current location on the page; and
  - rendering the page to display the second user interaction field above the user interaction field and in a manner that positions both user interaction fields in the viewable area.
8. (Original) The method of claim 7 wherein a first count associated with the entry is stored in the data structure and a second count associated with the second entry is stored in the data structure, the second count being greater than the first count.
9. (Original) The method of claim 7 wherein the entry and the second entry are stored in the data structure according to a first count and a second count, the second count being equal to the first count, the entry further including a first time value and the second entry further including a second time value, the second time value being greater than the first time value.
10. (Canceled)
11. (Previously Presented) A method for rendering Web pages to be displayed on a display screen of a networked client display device on the basis of prior user interaction with the Web pages, the method comprising:
- for each of a plurality of Web pages, each Web page having a different network address:
    - receiving a user request to view the Web page;
    - in response to the user request, retrieving the Web page according to a respective network address located on a server computer;

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determining if a first entry associated with the Web page exists in a data structure residing on the networked client device, the first entry including a first user interaction field and a first count;

if the first entry exists in the data structure, determining if the first user interaction field appears on the Web page;

if the first user interaction field appears on the Web page, moving the first user interaction field from a first obscured location on the Web page incapable of being viewed on the display screen to a viewable location on the Web page that is displayed on the display screen;

determining if the data structure includes a second entry associated with the electronic document, the second entry including a second user interaction field and a second count;

if the second entry exists in the data structure, determining if the second user interaction field appears on the Web page; and,

if the second user interaction field appears on the Web page, moving the second user interaction field from a second obscured location on the Web page to a viewable location on the Web page that is displayed on the display screen, wherein the second user interaction field is displayed above the first user interaction field if the second count is greater than the first count, wherein moving the first and second user interaction fields is done by repositioning the Web page relative to the display screen, and wherein moving the first and second user interaction fields requires positioning a portion of the page outside a viewable area of the display screen due to a limited screen area of the display screen and wherein a user can scroll the Web page upwards to bring the portion of the page from a position outside the viewable area into a position inside the viewable area.

12-20. (Canceled)

21. (Previously Presented) A computer-implemented method for rendering Web pages to a display of a client network device on the basis of prior user interaction with the Web page, wherein the Web pages have a displayable size exceeding a viewable area of the display, the method comprising:

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for each of a plurality of Web page, each having a different network address:

receiving a user request to view the Web page, the Web page having a respective electronic address located on a server computer;

accessing user interaction data associated with the electronic address, the user interaction data residing on the client network device and describing prior user interaction with one or more page elements of the Web page;

receiving the Web page at the client network device;

rendering the Web page to the display; wherein rendering comprises positioning the Web page so that at least one of the one or more page elements is moved from an unviewable position to a viewable position on the display and a top portion of the Web page is moved to an unviewable position; and wherein, after the rendering, the Web page is positioned such that a user can scroll the Web page upwards to bring the top portion into the viewable position on the display.

22. (Previously Presented) The computer-implemented method of claim 21 further comprising, prior to rendering, determining that the one or more page elements are not positioned in the viewable area of the display for a default display arrangement.

23. (Previously Presented) The computer-implemented method of claim 21 wherein rendering comprises rendering the page to the display so that all of the one or more page elements are viewable on the display.

24. (Previously Presented) The computer-implemented method of claim 21 wherein the user interaction data describes a user interaction selected from the group consisting of a table interaction, a link interaction, a data entering interaction, and a scrolling interaction.

25. (Previously Presented) The computer-implemented method of claim 21 wherein the user interaction data describes an amount of time spent displaying the page element on the display during prior user interaction with the page.

26. (Previously Presented) A client computer for use in a networked system, the computer comprising:

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a display having a viewable area; and

browsing and rendering software configured to at least:

receive prompts to access pages having network addresses located on server computers of the networked system, the pages each having a displayable size exceeding the viewable area of the display; and

when prompted to access a given page at a specified network address:

access user interaction data located on the client computer and associated with the specified network address, the user interaction data describing previous user interaction with an element of the given page via the browser; and

render the electronic document to the display by positioning the Web page according to the user interaction data so that the element is moved from an unviewable position into the viewable area of the display; and wherein, after the electronic document is rendered, the user can scroll the electronic document upwards to bring a top portion of the electronic document from an unviewable position into a viewable position on the display; and

display a scroll bar of the browser allowing a user to reposition the portion of the page from the unviewable position into the viewable area of the display.

27. (Previously Presented) The computer of claim 26 wherein the browsing and rendering software renders the page to the display by rearranging a layout of the page.

28. (Previously Presented) The computer of claim 26 wherein the browsing and rendering software renders the page to the display by repositioning the element within the page.

29. (Previously Presented) The computer of claim 28 wherein the browsing and rendering software repositions the element to a page location at a top portion of the display.

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30. (Previously Presented) The method of claim 5, further comprising displaying a scroll bar in the viewable area, the scroll bar being configured to allow a user to reposition the page within the networked display device.

31. (Previously Presented) The method of claim 11, further comprising displaying a scroll bar in the viewable area, the scroll bar being configured to allow a user to reposition the page within the networked display device.

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## EVIDENCE APPENDIX

None.

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## RELATED PROCEEDINGS APPENDIX

None.